

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include changes to FIGS. 2, 15 and 21.

Attachments: Three Replacement Sheets
 (FIGS. 1-2, 12-16 and 21 (a) & (b).

REMARKS

In response to the above Office Action, the specification has been amended as requested. Also enclosed are Replacement Sheets of FIGS. 2, 15 and 21 identifying the blade of the knife 50 by the numeral 63. The reference to "arrow B" on page 8, line 16 has been deleted.

In addition, the claims have been amended to avoid the rejections of the claims under §112 second paragraph, to avoid improper multiple dependency, to provide antecedent basis for terms used in the claims and to more clearly claim applicant's invention. Support for claim 26 can be found, for example, in claim 5. Support for claim 27 can be found in former claim 6, which has been cancelled.

In the Office Action, the Examiner rejected claims 20-22 and 25 under 35 U.S.C. §102(b) for being anticipated by U.S. Patent No. 6,884,240 to Dykes, by U.S. Patent No. 2,601,402 to Krause and by U.S. patent No. 4,524,572 to Formo et al., hereafter Formo. In addition, claims 1-4, 23 and 24 were rejected under 35 U.S.C. §103(a) for being obvious over Formo.

Dykes relates to a surgical instrument having a handle 12 and a blade 16. The knife includes a portion 18 of reduced diameter that extends between first and second male threads 26, 28. A guard 20 includes a female thread 24 that can engage on each of the male screw threads 26, 28. When in use, the guard is engaged on the thread remote from the blade 16 so that the blade 16 is uncovered and can be used. However, the guard can be disengaged from this thread and re-engaged on the thread 28 that is proximate to the blade so that the guard 20 covers the blade and protects a person using the knife from injury. The Examiner has identified the structure between the tip 14 and blade 16 as being a "rib."

This part of the instrument of Dykes is really more a shaft than a rib, but, in any event, it is not "joined to the inner surface of the hollow handle [of the knife] and extending from the blade of the knife centrally along the inner surface of the hollow handle" as set forth in amended claim 20. Accordingly, it is believed claim 20 is not anticipated by Dykes.

Regarding claim 21, not only is this not anticipated by Dykes because it depends from claim 20, but Dykes does not disclose "a slit running along a length of the hollow, substantially cylindrical handle [of the knife] in parallel with a central longitudinal axis" as set forth in amended claim 21. Accordingly, it is believed claim 21 is not anticipated by Dykes. Regarding claim 22, this also depends from claim 20, so it is submitted it is not anticipated by Dykes for the same reasons expressed above with respect to claim 20. Finally, claim 25 now depends from claim 24.

Withdrawal of the rejection of the claims under §102(b) for being anticipated by Dykes is requested.

Krause discloses a knife having a handle, a V-shaped metal liner (column 1, line 15) mounted in the handle, a slidable blade and a thumb actuated member for releasing and moving the blade between an open or closed position and a spring actuated locking device for locking the blade in a desired position.

From the fact that the knife of Krause includes various components, which must slide with respect to each other, there is no teaching or suggestion in Krause to make a knife out of a single piece as required by claim 20. Although the knife in Krause may have a plastic handle (see column 1, line 14), the knife as a whole is not made of plastic

material since the V-shaped liner is made of metal. The blade must also be made of metal.

It is hard to determine what the Examiner considers the “rib” to be of Krause, but, in any event, it is not “joined to the inner surface of the hollow handle” of the knife as required by amended claim 20. Nor is there a “slit running along a length” of the handle as required by claim 21. Claims 21 and 22 also depend from claim 20.

Withdrawal of the rejection of the claims for being anticipated by Krause is requested.

Formo discloses a nestable and stackable cutlery knife including a blade and a trapezium-section handle. There are walls along the three shortest sides of the trapezium but no wall along the fourth longest side. This enables the items of cutlery, including the knife, to be stacked as shown in Figure 4.

However, Forma fails to disclose or teach a rib forming a continuation of the blade and being joined to and extending from the blade of the knife centrally along the inner surface of the hollow handle. The structure on the top and the rear of the blade 42, which the Examiner believes constitutes such a rib, does not extend along the inner surface of the knife handle, as required by amended claim 20. As noted above, claims 21 and 22 depend from claim 20, but it is believed these claims are also not anticipated by Formo for the same reasons.

Withdrawal of the rejection of the claims for being anticipated by Formo is also requested.

Finally, regarding the obviousness rejection based on Formo, the Examiner believes that Formo has all the features of claim 1 except that the handles of Formo are

not cylindrical, although he does not disclose the reason why he thinks that the handles of Formo are not cylindrical. In the description at page 5, lines 8-10 of the present application, it is clearly stated that the term "cylindrical" is not limited to "circular" cylindrical and may be rectangular.

In any event, claim 1 requires that the handle of the outermost item of cutlery extends more than half way around the handle of the second item to hold the item in a nested condition. Formo does not have this feature since the handles in Formo can readily be lifted off one another. Claim 1 has been amended to emphasize this feature that the outer handle grasps the handle of the second or inner item to hold them together.

Claims 2-4 depend from claim 1, so it is submitted they are not obvious for the same reasons. Moreover, claim 2 requires that the handle of the second item extends more than half way around the handle of the third item which is also not shown in Formo.

Similarly, claim 23 includes both of the above features which are not shown in Formo and claim 24 depends from claim 23. Moreover, as set forth in claim 24, the blade of the knife of Formo is not located in the slits of the other items of cutlery when in a nested condition.

It is believed claims 1-5 and 7-27 are in condition for allowance.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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